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7 **UNITED STATES DISTRICT COURT**  
8 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

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10 AMERICAN CIVIL LIBERTIES  
11 UNION FOUNDATION OF  
12 SOUTHERN CALIFORNIA,  
13 *Plaintiff,*

14 v.

15 UNITED STATES IMMIGRATION  
16 AND CUSTOMS ENFORCEMENT,  
17 UNITED STATES DEPARTMENT  
18 OF HOMELAND SECURITY,  
19 *Defendants.*

Case No. 2:22-CV-04760-SHK

**[PROPOSED] ORDER GRANTING  
PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT AGAINST  
DEFENDANTS DEPARTMENT OF  
HOMELAND SECURITY AND  
DEPARTMENT OF HOMELAND  
SECURITY – OFFICE OF  
INSPECTOR GENERAL**

Honorable Shashi H. Kewalramani  
United States Magistrate Judge

1 This matter comes before the Court on Plaintiff's Motion for Summary  
 2 Judgment Against Defendants Department of Homeland Security ("DHS") and DHS  
 3 Office of Inspector General ("DHS-OIG"), and Defendants DHS and DHS-OIG's  
 4 Cross-Motion for Summary Judgment. Upon consideration of the argument and  
 5 evidence submitted by the parties, it is here by ORDERED that:

6 Plaintiff's Motion for Summary Judgment Against DHS and DHS-OIG is  
 7 GRANTED in full. Defendants DHS and DHS-OIG's Cross-Motion for Summary  
 8 Judgment is DENIED in full.

9 The Court finds that Defendant DHS-OIG failed to support its assertion of  
 10 Exemption 5 with respect to its draft Reports of Investigation and Memorandums of  
 11 Activity. Within 30 days, Defendant DHS-OIG shall release in their entirety, without  
 12 redaction, the draft DHS-OIG Reports of Investigation and Memorandums of  
 13 Activity withheld under Exemption 5. These documents include:

- 14 • Documents regarding Johana Medina Leon:
  - 15 ○ March 2023: 10-36, 38-46, 50-87, 89-93, 95-98, 100-101, 104-105, 110,
  - 16 112, 114-116, 118, 120-121, 124-125, 129-130, 133-134, 140-141, 145-
  - 17 146, 148, 151, 154, 156, 159-61, 166-67;
  - 18 ○ June 2023: 3-12, 16-25, 29-38, 39-48, 52-61, 63-72, 76-85, 89, 91, 93-
  - 19 94;
- 20 • Documents regarding Teka Gulema:
  - 21 ○ July 2023: 1, 4-8, 10-12, 14-26, 28-39, 42-44, 46-58, 60-71, 75-86, 96-
  - 22 98, 103-107, 110-112, 123-124, 126-129, 131-132, 137-141, 149-151,
  - 23 154-156, 159-161, 164-175, 182-184, 186-187, 190-191, 193-202, 206-
  - 24 207, 209-210, 212-221, 227-228, 230-232, 234, 236-237, 239, 241-242,
  - 25 244, 246, 248-249, 251-252, 254, 256, 258-259, 261-269.

To the extent DHS-OIG contends that portions of these documents should be redacted, it shall include particularized redactions specific to these portions, and it shall include with this production a *Vaughn* index that provides specific information about each redaction.

The Court finds that DHS-OIG failed to support assertions of Exemptions 6 and 7(c) challenged by Plaintiff in its motion. Within 30 days, Defendant DHS-OIG shall produce versions of the following pages of its production that remove the redactions under Exemptions 6 and 7(c) that Plaintiff challenged.

Description	Bates Numbers
The third cause of death on Ms. Medina Leon's death certificate	November 2022: 37-38 December 2022: 92
Diagnostic questions and medical tests by ICE medical staff prior to Medina Leon's release from custody	November 2022: 15, 16, 20, 25-26, 33, 39, 41, 50; December 2022: 37, 41, 44-45, 51, 55-56, 70, 76, 84, 97, 99; June 2023: 1
Draft questions/media talking points regarding Medina Leon's death	March 2023: 49
Unspecified "immigration information" related to Gulema and Medina Leon.	November 2022: 23-24, 28; December 2022: 40, 42, 44, 67-68, 75; June 2023: 1, 118, 151, 157

The Court finds that DHS-OIG's failure to produce documents that it referred to Defendant U.S. Immigration and Customs Enforcement ("ICE") constitutes an unlawful withholding. Within 30 days, Defendant DHS-OIG must produce all records referred by DHS-OIG to ICE.

1 The Court finds that DHS-OIG improperly withheld 16 pages of the records it  
2 referred to ICE, which ICE withheld in its January 31, 2024 production. Within 30  
3 days, Defendant DHS-OIG must produce these 16 pages of records.

4 All documents produced must be in legible, complete form.

5 The Court finds that Defendants Department of Homeland Security (“DHS”)  
6 and DHS-OIG failed to follow clear leads related to an April 5, 2021 letter sent to  
7 DHS Secretary Alejandro Mayorkas. Defendants DHS and DHS-OIG shall conduct  
8 a search for responsive records based on this lead, including records in the custody  
9 or control of DHS-OIG and DHS component the DHS Office of Civil Rights and  
10 Civil Liberties. Within 30 days, Defendants DHS and DHS-OIG shall provide  
11 Plaintiff with the specifics of the search they have conducted (including search  
12 locations, search terms, and any other search parameters used), and shall provide hit  
13 counts of the number of pages of responsive records returned, broken down by  
14 location, search term, and other search parameter used. Within 14 days of the  
15 production of this information, Defendants DHS and DHS-OIG shall meet and confer  
16 with Plaintiff, via telephone or videoconference, to determine whether agreement can  
17 be reached regarding the parameters for this search. Defendants DHS and DHS-OIG  
18 shall have available agency counsel and technical staff readily available for this  
19 conferral. Within 30 days of this meet and confer, Defendants DHS and DHS-OIG  
20 will complete processing of the responsive records and shall produce all responsive  
21 records, subject to withholdings.

22 Plaintiff and Defendants DHS and DHS-OIG shall submit a status report  
23 within 30 days of the date of this order.

24 IT IS SO ORDERED.

25 Dated: \_\_\_\_\_

26 Hon. Shashi H. Kewalramani  
27 United States Magistrate Judge